

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

WILLIAM BURRELL, JR.,)
)
 Plaintiff)
)
v.) Civil No. 99-107-P-C
)
BOARD OF TRUSTEES OF THE)
UNIVERSITY OF MAINE)
SYSTEM, et al.,)
)
 Defendants)

ORDER

Plaintiff, William Burrell, first filed a Complaint in this matter on April 2, 1999. The named Defendants then filed several motions to dismiss. In response to those motions, Plaintiff filed a second and later a third amended complaint, both of which added additional claims. In an order dated August 18, 1999, this Court stated:

The Court is sympathetic to the difficulties faced by *pro se* litigants, but Defendants are also entitled to an answer on their Motions to Dismiss. Plaintiff cannot continue reformulating his claims, creating more work for Defendants' counsel, and delaying action on those Motions interminably. Accordingly, it is hereby ORDERED that Plaintiff's request for leave to amend in docket number 13 is STRICKEN, Plaintiff's Motion for Leave to File Third Amended Complaint, docket number 27, is STRICKEN, and Plaintiff's Additional Attachment to Amended Copy #3, docket number 28, is STRICKEN. Plaintiff is hereby granted leave to file one Motion for Leave to Amend Complaint, together with a copy of the proposed Amended Complaint in its entirety. The Motion for Leave to Amend shall be filed no later than September

7, 1999, failing which the Court will act on Defendants' Motions to Dismiss.

Court's Order at p.2.

Plaintiff filed a motion and a proposed amended complaint on September 7, 1999. The Complaint is a single-and-a-half spaced document that is forty-seven pages long. The Complaint also contains numerous portions of documents (reproduced in very small print), and individual allegations that run for an entire page.

¶¶ 3, 32, 96. Defendant filed an objection to the amended Complaint stating that the "allegations in the proposed Amended Complaint are now so prolix that it is often impossible to determine how the allegations relate in any way to his claims for relief."

Defendant's Objection at p.6. On this the Court agrees.

Federal Rules of Civil Procedure Rule 8 requires a complaint to "contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a). Plaintiff's Complaint clearly fails to conform to the rule. A review of the Complaint reveals that it is argumentative, contains excessive verbiage, and pleads evidence, all of which imposes an unnecessary burden on Defendants in properly responding to the Complaint. *See Newman v. Commonwealth of Mass.*, 115 F.R.D. 341, 343 (D. Mass. 1987) (striking complaint that was argumentative, verbose and pleaded evidence making it unnecessarily difficult for Defendants to respond).

The Court understands the difficulty faced by a *pro se* Plaintiff and accepts Plaintiff's representation that he misinterpreted the Court's previous Order to mean that he should include all the stricken material in the Amended Complaint. However, regardless of the reason offered by Plaintiff, the Court is satisfied that responding to and deciphering the allegations in the Complaint imposes an unnecessary burden on Defendant, not to mention the Court, and therefore STRIKES the Amended Complaint because of its failure to meet the requirements set forth in Rule 8. Plaintiff is granted leave to file a substitute proposed Amended Complaint no later than November 29, 1999. Plaintiff is not permitted to file another motion to amend.

Defendants may either stand on their previous objections dated September 17, 1999, or file additional objections to the Amended Complaint. If Defendants choose to file additional objections they shall do so no later than December 13, 1999. If Defendants file additional objections, Plaintiff may file a Reply no later than December 22, 1999.

SO ORDERED.

Eugene W. Beaulieu
U.S. Magistrate Judge

Dated on: November 12, 1999